

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10884 of 2022

Satrughna Panigrahy and another ***Petitioners***
Mr. G. Das, Advocate

-versus-

State of Odisha ***Opp. Party***
Mr. S. Mishra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

17.10.2022

Order No.

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.
 3. This is an application under Section 438, Cr.P.C. filed by the petitioners for anticipatory bail.
 4. The petitioners are seeking pre-arrest bail in connection with C.T. Case No.2725 of 2022, arising out of Laxmisagar P.S. Case No.176 of 2022 pending in the court of learned S.D.J.M.(S), Bhubaneswar for commission of offences punishable under Sections 406/420/294/323/506/34, I.P.C.
 5. It is submitted by learned counsel for the petitioners that a deal was made between the petitioners and the informant for selling of his house to the complaint and had taken a sum of Rs.3,00,000/-(rupees three lakhs). However, the transaction could not be materialized between the parties as a result of which the informant required to return the money but they did not return the same and that a

compromise has been made before the IIC of the concerned Police Station to return a cash of 5,000/- (rupees five thousand) every month. It is further submitted by learned counsel for the petitioners that although the petitioners were returning money as has been agreed by the parties, however, due to the financial problem, the petitioners could not pay the said amount. Thereafter the informant lodged a complaint case bearing ICC Case.

6. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioners. However, it is directed that in the event the petitioners surrender and move an application for bail before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, they shall be released on bail on such terms and conditions as would be deemed just and proper with further conditions that :-

- I. The petitioners shall cooperate with the Investigating Officer as and when required for the purpose of investigation;
- II. they shall not indulge in similar criminal activities while on bail;
- III. they shall not threaten, harass and terrorize the informant and her /his family members in any manner whatsoever; and
- IV. they shall continue the payment of Rs.5,000/- every months as compromises between the parties and the petitioners shall also make an endeavour to return in lump sum amount in the event is visible and practical.

Violation of any of the terms and conditions shall entail cancellation of bail.

10. Accordingly, the ABLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge

Jagabandhu

